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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF OREGON**

**PENDLETON DIVISION**

**STOP B2H COALITION, *et al.***

Case No. 2-19-cv-01822-SI

Plaintiffs,

v.

**NOTICE OF SUPPLEMENTAL  
AUTHORITY**

**BUREAU OF LAND MANAGEMENT, *et al.*,**

Defendants

and

**IDAHO POWER COMPANY and  
PACIFICORP,**

Intervenor-Defendants

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Plaintiffs Stop B2H Coalition, Jim Kreider, Carol “Fuji” Kreider, Gail Carbiener, and Greater Hells Canyon Council respectfully submit Order No. 3399, issued by Secretary of the Interior Deb Haaland on April 16, 2021 (attached as Exhibit A), as supplemental authority demonstrating that further cumulative impacts analysis would not be futile, despite new National Environmental Policy Act (“NEPA”) regulations that became effective on September 14, 2020.

Secretary Haaland’s Order includes Section 5(a), titled “Applying NEPA,” which directs that “Bureaus/Offices will not apply the 2020 Rule in a manner that would change the application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect on September 14, 2020.” Ex. A at 3. This directive spells out that the Bureau of Land Management would have to apply the cumulative impacts requirements that existed under the previous 1978 NEPA regulations to any future NEPA analyses, notwithstanding changes in the 2020 regulations—and thus that it would *not* be futile for the Court to vacate the Bureau’s decisions challenged in this case and remand for further analysis of the cumulative impacts of the B2H transmission line.

DATED this 19th of April 2021.

Respectfully submitted,

s/ David H. Becker  
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Of Attorneys for Plaintiffs